

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Mail Stop AF
)	
Tomoyuki YORINAGA et al.)	Group Art Unit: 2616
)	
Application No.: 09/929,367)	Examiner: H. Mered
)	
Filed: August 15, 2001)	
)	
For: ASYNCHRONOUS TRANSFER)	
MODE SWITCH)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants respectfully request review of the final Office Action, dated August 18, 2006 in view of the remarks below and in conjunction with the Notice of Appeal filed concurrently with this request.

Remarks begin on page 2 of this paper.

REMARKS

Claims 1-9 are pending in this application. Applicants respectfully request review of the final rejection based on the reasons summarized below.

**REJECTION UNDER 35 U.S.C. § 103(a) BASED ON
HOOGENBOOM et al., ZHANG et al., and CARR et al.**

The rejection of claims 1-3 and 7 contain factual deficiencies with respect to the alleged disclosures of HOOGENBOOM et al., ZHANG et al., and CARR et al.

As to claim 1, HOOGENBOOM et al., ZHANG et al., and CARR et al. do not disclose or suggest that each of the output side circuit interfaces feeds back a cell number accumulated for each virtual channel to a corresponding one of the input side circuit interfaces (see, for example, the arguments at pages 3-10 of the Request for Reconsideration, filed October 10, 2006, referred to hereinafter as the "Request"). Further, HOOGENBOOM et al., ZHANG et al., and CARR et al. do not disclose or suggest each of the input side circuit interfaces shaping the rate of cells based on the feedback from a corresponding one of the output side circuit interfaces so that a peak cell rate of the virtual path to which the virtual channels belong may not exceed the peak cell rate total value of the virtual channels which belong to the virtual path, as also recited in claim 1 (see, for example, the arguments at page 10 of the Request). Moreover, one skilled in the art at the time of Applicants' invention would not have been motivated combine HOOGENBOOM et al., ZHANG et al., and CARR et al. (see, for example, the arguments at page 11 of the Request).

As to claim 2, HOOGENBOOM et al., ZHANG et al., and CARR et al. do not disclose or suggest an input virtual channel cell rate control section for receiving the cell terminated by the physical layer processing section and controlling the rate of cell for each virtual channel based on the feedback (see, for example, the arguments on pages 12-14 of the Request).

As to claim 7, see, for example, the arguments on page 14 of the Request.

REJECTION UNDER 35 U.S.C. § 103(a) BASED ON
HOOGENBOOM et al., ZHANG et al., CARR et al., AND KOZAKI et al.

The rejection of claims 4 and 9 contains factual deficiencies with respect to the alleged disclosures of HOOGENBOOM et al., ZHANG et al., CARR et al., and KOZAKI et al.

As to claim 4, the Examiner did not establish a *prima facie* case of obviousness (see, for example, the arguments on page 15 of the Request).

As to claim 9, the Examiner did not establish a *prima facie* case of obviousness (see, for example, the arguments on page 16 of the Request).

REJECTION UNDER 35 U.S.C. § 103(a) BASED ON
HOOGENBOOM et al., ZHANG et al., CARR et al., AND ENDO et al.

The rejection of claims 5 and 6 contains factual deficiencies with respect to the alleged disclosures of HOOGENBOOM et al., ZHANG et al., CARR et al., and ENDO et al.

As to claims 5 and 6, the Examiner did not establish a *prima facie* case of obviousness (see, for example, the arguments on page 17 of the Request).

REJECTION UNDER 35 U.S.C. § 103(a) BASED ON
HOOGENBOOM et al., ZHANG et al., CARR et al., AND WATANABE

The rejection of claim 8 contains factual deficiencies with respect to the alleged disclosures of HOOGENBOOM et al., ZHANG et al., CARR et al., and WATANABE.

As to claim 8, the Examiner did not establish a *prima facie* case of obviousness (see, for example, the arguments on page 18 of the Request).

CONCLUSION

In view of the foregoing remarks, Applicants submit that clear factual deficiencies exist with respect to the rejections of claims 1-9. Therefore, Applicants respectfully request withdrawal of the outstanding rejection and the timely allowance of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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